

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 United States of America,

Case No.: 2:18-cr-00143-JAD-NJK

4 Plaintiff

5 v.

**Order Denying Motion
for Transcripts**

6 David Shumate,

[ECF No. 32]

7 Defendant

8 Defendant David Shumate was sentenced to 37 months in prison after he pled guilty
9 under a written plea agreement to being a felon in possession of a firearm. His judgment was
10 entered on February 5, 2019.¹ Shumate has filed no appeal, but he moves the court for a free
11 copy of the transcripts of the plea and sentencing hearings in his case.² He reasons that he
12 “need[s] them so that [he] can file a motion pursuant to 28 U.S.C. § 2255, and/or assist [his]
13 attorney with [his] appeal pursuant to 28 U.S.C. § 753(f).”³

14 Because Shumate filed no appeal, the deadline for appeal has long passed,⁴ and Shumate
15 does not appear to have counsel that he needs to assist for any purpose at this time, I deny his
16 motion. Should he ultimately require such transcripts, Shumate should consult Rule 10 of the
17 Federal Rules of Appellate Procedure for instructions on ordering transcripts.

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21 _____
¹ ECF No. 31.

22 ² ECF No. 32.

23 ³ *Id.*

⁴ *See* Fed. R. App. P. 4(b)(1)(A) (14-day deadline to appeal from a judgment in a criminal case).

Accordingly, IT IS HEREBY ORDERED that **the motion for transcripts [ECF No. 32]**
is DENIED.

Dated: August 30, 2019

U.S. District Judge Jennifer A. Dorsey